

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 201  
Criminal Procedure – Expungement of Records – Waiting Period  
**DATE:** January 27, 2021  
(2/4)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 201. Senate Bill 201 alters the amount of time a person must wait before seeking the expungement of records.

The Judiciary opposes this bill because it would allow for expungement of records of a criminal charge before the expiration of the three-year statute of limitations for civil claims related to that charge, and without a general waiver of any such civil claims. While the time period for expungement is a legislative prerogative, the incongruity in time periods without the requirement for a general waiver of civil claims is problematic. As a result of this differential, a civil claim by the criminal defendant concerning the circumstances of their arrest, detention, or confinement could be filed even when the case has already been expunged which would mean that documentary evidence relevant to the civil case may no longer be available. This could place civil defendants in the position of not having records needed to defend themselves against such a civil claim.

cc. Hon. Obie Patterson  
Judicial Council  
Legislative Committee  
Kelley O'Connor